

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES STEVENS,

Petitioner,

v.

KEVIN CHAPPELL, Warden,

Respondent.

No. C 9-137 WHA

DEATH PENALTY CASE

**ORDER RE PRO SE MOTION AND
PROPOSING EX PARTE
EVIDENTIARY HEARING**

Petitioner is a condemned inmate at San Quentin State Prison. On January 12, 2009, petitioner initiated the present habeas corpus action. Counsel for petitioner was appointed on February 9, 2012. Through his appointed counsel, petitioner filed his Amended Petition for Writ of Habeas Corpus on May 21, 2014.

Although he is represented by counsel, petitioner has filed four motions *in propria persona* and without the assistance of counsel. All of these motions seek to dismiss petitioner's penalty claims on the grounds that petitioner did not authorize them, the claims lack merit, and they are unsupported by the facts. The most recent such motion was filed on October 20, 2014. (ECF Doc. No. 74.) In this document, as he has in the previous ones, petitioner again raises serious concerns regarding his working relationship with counsel and a possible conflict.

The Court has dealt with these *in propria persona* filings in a variety of ways, including the hiring of an independent attorney to meet with petitioner and his counsel to determine the nature of any potential conflict. These methods have not resolved the issue and the Court is still

1 receiving filings directly from petitioner.

2 As such, the Judge proposes to visit petitioner at San Quentin State Prison to hold an *ex*
3 *parte* evidentiary hearing to hear from petitioner directly on the matter. Each of petitioner's
4 counsel will please attend as well. The time, date, and location for the hearing will be set forth
5 in a separate order.


6 By November 7, 2014, all parties shall advise the Court of their position as to this
7 procedure.

8 Respondent is ordered to contact the necessary prison officials to help arrange the
9 logistics of the visit.

10 The Clerk is directed to serve this order directly on petitioner.

11 **IT IS SO ORDERED.**

12
13 Dated: October 31, 2014.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE